IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

Crl.Rev.Pet.No. 2409 of 2007()

CRA.591/2006 of I ADDL.SESSIONS COURT, ERNAKULAM
C.C.NO.550/2002, CJM, ERNAKULAM

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REVN. PETITIONER: PETITIONER/ACCUSED

MR. SHANMUGHAN, AGED 47 YEARS,
S/O. VELAYUDHAN, RESIDING AT CHITTETHU HOUSE,
SAHAKARANA ROAD, PONNURUNNY, ERNAKULAM.

BY ADV. SRI.ALIAS M.CHERIAN

RESPONDENTS: COMPLAINANT

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1. MR. E.V.SURESH BABU, AGED ABOUT 47 YRS,
S/O. VISWANATHA SHENAI, RESIDING AT SREENILAYAM,
KOLATHERRYKATTITHA LANE ROAD, MARADU P.O.,
ERNAKULAM.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl.R.P. No. 2409 of 2007

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Dated, this the 26th day of June 2007

ORDER

The Revision Petitioner challenges the conviction entered and the sentence passed against him concurrently by the courts below for an offence punishable under Section 138 of the N.I. Act. Eventhough the learned counsel for the revision petitioner assailed the conviction and sentence, the same have been recorded on the basis of the oral and documentary evidence in the case , I am not inclined to interfere with the conviction entered against the petitioner.

2. The learned counsel for the petitioner prayed for modification of the sentence submitting that the revision petitioner is willing to pay the cheque amount of Rs. 61,200/- (Rupees sixty one thousand two hundred only) within three months from today and that the petitioner has been arrested and remanded to prison yesterday in execution of the sentence.

3. I am inclined to modify the sentence imposed on the petitioner. Accordingly, if the petitioner pays to the respondent/complainant the cheque amount of Rs. 61,200/-

within three months from today the imprisonment already undergone by him will suffice. If on the other hand, the petitioner commits breach in making the payment as aforesaid, then the sentence imposed on him by the trial court shall revive. If the petitioner has deposited a sum of Rs. 21,000/-, pursuant to the orders of the lower appellate court, the complainant shall be entitled to withdraw the same and the petitioner need only pay the balance amount.

In the result, this Revision Petition is disposed of modifying the sentence as above.

V. RAMKUMAR,
(JUDGE)

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